

# Judge John I. Guy

Division FM-G

Hearing Room 742

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## **DIVISION PROCEDURES**

**EX PARTE:** Includes only uncontested dissolution cases, motions to set for trial, motions to withdraw, and coordinating hearings in excess of one hour. These proceedings are scheduled with the Judicial Assistant for a date and time certain. Ex parte proceedings are held between 9:00 to 10:00 a.m. on specified dates every month as posted on the updated Ex Parte schedule. The Ex Parte schedule is posted at 4<sup>th</sup> Judicial Circuit Court – Ex Parte Dates & Judge’s Procedures (jud4.org) and posted outside Hearing Room 742 on the seventh floor of the Duval County Courthouse. Prior to a hearing on an uncontested dissolution of marriage, one party must provide the following: (1) a checklist for entry of the consent final judgment, (2) proper proof of residency, and (3) the signed Consent Final Judgment. A copy of the checklist can be found at 4<sup>th</sup> Judicial Circuit Court – Ex Parte Dates & Judge’s Procedures (jud4.org).

**PUTTING CHILDREN FIRST IN DIVORCE COURSE:** Administrative Orders issued in the Fourth Judicial Circuit and Section 61.21, Florida Statutes, require that parents who are parties to a dissolution of marriage action or a paternity action **shall complete a four-hour parenting course offered at:** (1) Hope Haven Children's Clinic and Family Center, 4600 Beach Blvd., Jacksonville, FL 32207 (904) 346-5100, (2) First Coast Behavior Solutions, LLC, 2317 Blanding Blvd., Suite 102, Jacksonville, FL 32210 (904) 200-7979, or (3) Jewish Family and Community Services, 8540 Baycenter Road, Jacksonville, FL 32256 (904) 394-5865. The parties are further required to file the Certificate of Completion in the Court file before the entry of a Final Judgment.

**SETTING A CASE FOR TRIAL:** Motions to set for trial and motions to set hearings in excess of one hour are set during ex parte and set as case management conferences. Attorneys must: (1) coordinate a date and time certain with the Court’s Judicial Assistant for an ex parte hearing, (2) serve the Notice of Ex Parte Hearing on all parties, and (3) complete and submit to the Court’s Judicial

Assistant the Trial Memorandum Form on the web at 4<sup>th</sup> Judicial Circuit Court – Ex Parte Dates & Judge’s Procedures (jud4.org) in advance of the Ex Parte hearing.

The Court will prepare the Order Setting Case for Trial and Pre-Trial Conference or the Order Setting Case for Hearing. A schedule of Judge Guy’s trial weeks can be found on the web at 4<sup>th</sup> Judicial Circuit Court – Ex Parte Dates & Judge’s Procedures (jud4.org). The Court will e-file the Order Setting Trial or Hearing. If a case **settles** prior to the pre-trial or trial date, **please immediately** contact the Judge’s office at [jennw@coj.net](mailto:jennw@coj.net).

**SETTING HEARINGS LESS THAN ONE HOUR IN DURATION:** Hearings lasting one hour or less may be set by contacting Judge Guy’s judicial assistant Jennifer Weigel at [jennw@coj.net](mailto:jennw@coj.net). Please copy the opposing attorney on the email and include the case number, the title of the motion to be heard (which must be filed prior to setting for a hearing), and the amount of time needed for the hearing.

**EXHIBITS:** Exhibits should be exchanged in advance and submitted to the Court at least 24 hours prior to the hearing. Hearings being conducted via Zoom, submissions or documents 25 pages or less should be sent to the Court and opposing counsel as an email attachment. Any submissions or documents exceeding 25 pages should be hand delivered to the Court.

Any submissions or documents for an in-person hearing should be brought to the hearing.

All exhibits should be tabbed and pre-marked as referenced in the example below.

Case No. 2020-DR-123456 FMXX  
Petitioner/Respondent’s Exhibit No. A  
Admitted as Exhibit \_\_\_\_\_  
Date admitted 10/1/2020

**CANCELLATION OF HEARINGS:** When cancelling a hearing, please file a Notice of Cancellation with the Clerk and provide a courtesy copy to the Court via an email to Judge Guy’s Judicial Assistant at [jennw@coj.net](mailto:jennw@coj.net). If the hearing is imminent, please call 904-255-2428.

**EMERGENCY MOTIONS:** When filing an emergency motion please be mindful that the matter must be: (1) a genuine emergency and (2) the motion must be filed

with the Clerk of Court. If seeking an ex parte hearing without notice of hearing, you must state an adequate reason why the other party should not be given notice. Pursuant to Florida Supreme Court Approved Family Law Form 12.941(d), all Emergency Motions for Child Pick-Up Order must be verified/sworn by the movant. Emergency motions should be e-mailed to Judge Guy's Judicial Assistant at [jennw@coj.net](mailto:jennw@coj.net) or delivered to the Judge's chambers for review. After the Judge has reviewed the motion, the Judicial Assistant will contact the moving party regarding the Judge's decision. Should Judge Guy be out of the office, please follow local rules of procedure by contacting the next division in alphabetical order.

**MOTIONS FOR CONTEMPT:** All motions seeking to hold an opposing party in contempt of Court shall be held in-person.

**MOTIONS TO COMPEL:** Before filing a Motion to Compel pursuant to Rule 1.380 or Rule 12.380, the moving party must fully comply with First Amended Administrative Order No. 88-2.

#### **SUBMITTING PROPOSED ORDERS:**

1. The attorney preparing a proposed Order or Final Judgment subsequent to a hearing shall provide an advance copy to opposing counsel. The cover letter to be used and sent to opposing party or attorney is provided on the web at [4th Judicial Circuit Court - Ex Parte Dates & Judge's Procedures \(jud4.org\)](http://jud4.org) under Letters for Attorneys Submitting Orders. Once approved by opposing counsel, the proposed Order or Final Judgment should be submitted to the Court via email to the Court's judicial assistant at [jennw@coj.net](mailto:jennw@coj.net) (Word formatting is required). If counsels for the parties are unable to agree, then both counsels may submit their proposed Order or Final Judgment to the Court.

2. The **DONE AND ORDERED** or **ORDERED AND ADJUDGED** (for Final Judgments) clause, and the Court's signature line should be on the same page. If the last page contains only the date line and/or Judge's signature line it must have the title of the Order and the case number on it.

3. Full names and complete addresses of counsel/parties to whom copies are to be provided, including email addresses for the service of pleadings, must be included on the last page.

**TEMPORARY NEEDS HEARING INFORMATION:** All temporary issues are to be set before the General Magistrate. You may call the dedicated number 904-

255-1180 between the hours of 9:00 a.m. and 4:00 p.m. to schedule temporary needs and/or post judgment hearings before Magistrates.

**DEFAULT FINAL HEARINGS:** Default Final Hearings must be coordinated with the Court's Judicial Assistant. **Default Final Hearings will not be heard during ex parte.** The party seeking the default judgment must have filed a proof of service or diligent search prior to the hearing.

**SERVICE BY PUBLICATION:** Except in cases of adoption, pursuant to Section 63.088(5), Florida Statutes, in cases where the Respondent has been served by publication, a diligent search affidavit must be filed that includes, at a minimum, searches for the following:

- United States Postal Service
- Internet Search
- Department of Motor Vehicles
- Department of Corrections
- Letters to Armed Forces of the United States

**ADOPTIONS:** **The Court does not hear adoption matters during ex-parte.** Adoption hearings must be coordinated with the Court's Judicial Assistant. It is not necessary that children attend final hearings, but they are welcome to attend, as are other family members.

**MOTIONS FOR REHEARING:** Motions for rehearing and/or reconsideration must be filed with the Clerk and a copy e-served to the Judge's office at [jennw@coj.net](mailto:jennw@coj.net). Please do not call the Judge's office to schedule a hearing on the motion. The Judge will review the motion and either issue an order or the Judge's Assistant will schedule a hearing.

**INTERPRETERS:** The Court will provide interpreters for matters wherein the requesting party is indigent. Attorneys that represent parties who will need the Court to provide an interpreter should notify the Court's Judicial Assistant of the need for same at the time the hearing is scheduled.

**RECOMMENDATIONS:** If you have a recommendation as to amending or revising our policy or practice, you may email the Court's Judicial Assistant at [jennw@coj.net](mailto:jennw@coj.net). Thank you for your courtesies and cooperation.